DETAILED ACTION

SUPPLEMENTAL EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Greeley on February 11, 2011.

The supplemental amendment is to correct dependency of claims 4 and 10.

The application has been amended as follows:

Claim 2 is cancelled.

Claims 4 and 10 are each amended to depend on claim 1 instead of cancelled claim 2.

Claim 1 is amended to incorporate the limitations of claim 2 as follows:

1. A device for producing medicinal foam, comprising:

an active agent chamber closed with a first piston,

a gas chamber closed with a second piston, the gas chamber and the active agent chamber being arranged one after another, and

a foam producing device connected with the active agent chamber and the gas chamber,

wherein the first and second pistons are interconnected and displaced in common to cause a pressure increase both in the active agent chamber and the gas chamber and to feed active agent and gas to the foam producing device,

wherein the first and second pistons are interconnected through a connecting element which opens one of the active agent and gas chambers when it is displaced, ~~and~~

wherein the first piston is displaced in the active agent chamber and the second piston is displaced in the gas chamber, and

wherein the connecting element comprises a feed channel through which the active agent and/or gas can flow towards the foam producing device.

Claim 12 is amended as follows:

12. A device for producing medicinal foam, comprising:

an active agent chamber closed with a first piston,

a gas chamber closed with a second piston and closed with the first piston,

a hollow needle connected to the second piston, the hollow needle having an open end directed towards the first piston,

an entrainment element rigidly connected to the hollow needle offset from the open end,

openings defined through the second piston and/or through transverse bores of the hollow needle, and

a foam producing device connected with the hollow needle and the openings,

wherein the hollow needle interconnects the first and second pistons in common to feed active agent through the hollow needle and gas through the openings to the foam producing device upon displacement of the hollow needle through the first piston to a point where the entrainment element contacts the first piston,

wherein the foam producing ~~means~~ device is connected to the second piston by a holder, and

wherein the first piston is displaced in the active agent chamber and the second piston is displaced in the gas chamber.

Claim 17 is amended as follows:

17. A device for producing medicinal foam, comprising:

an active agent carpule having a closed bottom end and an open top end;

a gas chamber having a bottom end and a top end;

a first piston closing the top end of the active agent carpule and the bottom end of the gas chamber;

a second piston closing the top end of the gas chamber;

a hollow needle between the first and second pistons, the hollow needle being connected to the second piston such that an open end of the hollow needle is directed towards the first piston;

a foam producing device connected to the second piston in fluid communication with the open end of the hollow needle and with the gas chamber; and

an entrainment element rigidly connected to the hollow needle between the first and second pistons in a position offset from the open end of the hollow needle, wherein, upon displacement of the second piston to a point where the hollow needle pierces through the first piston and the entrainment element contacts the first piston, the entrainment element maintains a fixed distance between the first and second pistons to allow a pressure increase in both the active agent carpule and the gas chamber so that the active agent and the gas are fed to the foam producing means; and

wherein the first piston is displaced in the active agent chamber and the second piston is displaced in the gas chamber.

Allowable Subject Matter

2. Claims 1, 3-10, and 12-19, as amended above, are allowed over the prior art of record.

3. The following is an examiner's statement of reasons for allowance: the claims in this application have been allowed because the prior art of record fails to teach either singly or in combination the claimed apparatus.

4. The closest prior art of record is Herman (US 4014463).

5. Regarding claim 1, as amended above, Herman fails to teach among all the limitations or render obvious first and second pistons interconnected and displaced in

common as claimed wherein the first piston is displaced in the active agent chamber and the second piston is displaced in the gas chamber as claimed in combination with the other elements of the claim.

6. Regarding claim 12, as amended above, Herman fails to teach among all the limitations or render obvious the hollow needle interconnects the first and second pistons in common wherein the foam producing device is connected to the second piston by a holder and the first piston is displaced in the active agent chamber and the second piston is displaced in the gas chamber as claimed in combination with the other elements of the claim.

7. Regarding claim 17, Herman fails to teach among all the limitations or render obvious the entrainment element maintaining a fixed distance between the first and second pistons and the first piston is displaced in the active agent chamber and the second piston is displaced in the gas chamber as claimed in combination with the other elements of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN R. PRICE whose telephone number is

(571)270-5421. The examiner can normally be reached on Monday-Thursday, 9:00 a.m. - 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. R. P./
Examiner, Art Unit 3763

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art Unit 3763